



SPECIAL OTTAWA CITY COUNCIL

**Wednesday, February 16, 2022
By Electronic Participation**

***IN CAMERA* MINUTES 71**

The *in camera* portion of the City Council meeting of February 16, 2022, was held by electronic participation using Microsoft Teams in accordance with Section 238 of the *Municipal Act, 2001 as amended by the COVID-19 Economic Recovery Act, 2020*.

***IN CAMERA* ITEM**

1. UPDATE FROM OTTAWA POLICE AND THE CHAIR, OTTAWA POLICE SERVICES BOARD
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Council resolved *in camera* pursuant to the Procedure By-law 2021-24, Subsections 13(1)(b) personal matters about an identifiable individual, including staff; and 13(1)(f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose, in order to receive legal advice and discuss confidential security, legal, and personnel matters related to the Truck Convoy Demonstration and the Moffatt/Dudas Motion 71/3 regarding replacing Council-appointed Members on the Police Services Board

Council approved Motion 71/4 to resolve *in camera* at 5:26 PM. Following a recess, Council resumed in closed session at 5:38 PM.

All Members of Council were present at the beginning of the closed session except Councillors C. McKenney and G. Gower, who joined the closed session at 5:41 PM.

The following individuals were also in attendance in the closed session:

- Steve Kanellakos, City Manager
- Rick O'Connor, City Clerk, Office of the City Clerk (OCC);
- Steve Box, Director, City Manager's Office
- David White, City Solicitor, Innovative Client Services (ICS);
- Caitlin Salter MacDonald, Manager, Council and Committee Services and Deputy City Clerk (OCC);
- Michele Rochette, Manager, Elections and FLS (OCC);
- Melinda Aston and Carole Legault, Committee Coordinators, Council and Committee Services (OCC);
- Serge Arpin and Robyn Guest, Mayor's Office;
- Nathalie Gougeon, Auditor General; and
- Karen Shepherd, Integrity Commissioner and Closed Meetings Investigator.

At the outset of the closed session, Councillors Deans and Meehan inquired whether their staff could attend the closed session as the Mayor's staff were in attendance. The Mayor, with the will of Council, agreed, and the following, additional staff joined the closed session:

- Jessica Bradley and Julia Keast, assistants to Councillor Deans, joined the meeting at 5:43 pm.
- Lizz Jones (assistant to Councillor Curry) and Mark Kealy (assistant to Councillor Darouze) also briefly joined and then immediately left the Teams meeting at 5:43 PM and 5:45 respectively; however, neither remained for any portion of the closed session discussions.

The City Clerk provided a brief overview of procedure for the electronic *in camera* session, including the requirement to maintain confidentiality of the closed session in accordance with the *Procedure By-law* and Code of Conduct for Members of Council and reminded Members that they must be alone and ensure that no other individuals could see or hear the closed session. A copy of the Clerk's remarks is on file in the City Clerk's Office.

Members of Council then raised the following questions/ comments with responses provided by staff or other Members of Council where appropriate:

Councillor Meehan questioned what the Police Services Board could have done differently under all of the circumstances. She spoke to the challenges the Police faced with the unprecedented occupation as well as the proactive measures undertaken by the Board. Further, Councillor Meehan observed that they had done what was in their power to resolve the situation, and the limitations of the *Police Services Act*.

Councillor Fleury sought clarity on the circumstances that led to the resignation of Police Chief Sloly and the steps taken by the Police Services Board to replace him, as Council was not privy to those discussions.

[REDACTED]

Councillor Deans spoke to the hiring of Chief Sloly in 2019. She noted that he immediately started feeling impacts of racism as the first black Chief of Police in Ottawa. She shared that he had expressed feeling like an outsider and unwelcome, and that factions within the Police Service made things difficult for the former Chief, who was hired by the Ottawa Police Services Board to make progressive changes in the Service.

[REDACTED]

[REDACTED]

[REDACTED] Chair Deans indicated that they had then come to an agreement and he tendered his resignation.

Related to the next steps after Chief Sloly resigned, Councillor Deans noted that the Board was the decision-making body under the *Police Services Act* on these HR decisions, not Council. When the Chief resigned, the Board decided that they needed to make quick decisions to have the right people in place to bring an end to the illegal occupation. She noted that, following consultation with the Board's advisor from the Solicitor General's Office and external legal counsel. The Board had unanimously decided to appoint an interim Chief from outside on a temporary contract. The Board worked through a shortlist and ultimately approved and delegated the authority to the Board Chair to execute the contract, which both parties had signed earlier that day. She proposed it was in the best interest of the City to move forward.

In response to questions from Mayor Watson as to what background checks had been done, Councillor Deans advised that the Solicitor General's Office had advised that the candidate, Matt Torigian, had done high level clearance as a Deputy Minister and there were no "red flags".

Mayor Watson referenced a media story from 2018 that reported Mr. Torigian was accused of blocking women from rising in the ranks while at Waterloo Region Police Service, and named in affidavits sworn as part of a class-action lawsuit over alleged gender discrimination, harassment and abuse.

Councillor Deans noted she did not have the details of that particular allegation, and noted this is a concern in most Police Services in Ontario. She referenced the Rubin Thomlinson report on the level of sexual discrimination inside the Ottawa Police Services.

Councillor Dudas expressed her concern with actions of the Board during the occupation, including taking 9 days to hold a meeting and observed that those held, seemed frantic and scattered. She also expressed concern with hearing about the hiring of a new person only hours after Chief Soly resigned, unknown to the City, during the occupation, and lack of communication. The Councillor supported a full and fair investigation on how this was handled.

Councillor Chiarelli commented that the preceding exchanges should be made in open session, as they relate to the performance of a body.

Councillor Dudas also stated her concern with lack of communication from the OPS Board Chair to Members of Council during the occupation. Councillor Dudas expressed that she believed the Board needed new leadership.

Councillor Tierney expressed concern that Members of Council were not included by the Chair and the Board in meetings, and expressed concern that Council was hearing through the Media about the deal signed for the new Chief.

In response to a question from Councillor Tierney as to whether Deputy Chief (DC) Steve Bell was aware of the hiring of the new Chief, Councillor Deans confirmed that she had spoken with DC Bell at the time he was placed as interim Chief, and advised him the Board would be considering options *in camera*, including the potential to do something different in the short term. She confirmed her intent had been to speak to him before making an announcement, but had not had the opportunity to do so.

Councillor McKenney noted that, save for a few Councillors that had reached out to them and offered help, other Members had done nothing. They indicated they had not received any calls from the City Manager or the General Manager of Emergency and

Protective Services. The Councillor noted that Councillor Deans and Meehan had reached out.

Councillor McKenney expressed opposition to the Motion to remove Members from the Ottawa Police Board, arguing it was a “power grab”. They further noted that it would be the removal of the one woman who chairs anything at the City. The Councillor stated that what would help their residents was to stabilize the City, as people’s lives are at stake. Destabilizing the Ottawa Police Services Board was not the way to protect residents. The Councillor stated that Council should be moving into open session.

Councillor Egli asked about the rationale for the Board’s recommended approach to replacing the Chief with another outsider that is not familiar with either the City or the Police Force. He noted that the previous Chief faced challenges being an outsider. He also questioned having an interim Chief acting for a few days and then bringing in someone new, and how that would address destabilization and the ability to implement the operational plan. He acknowledged the role of the Board in governance and hiring the Chief but also expressed concern with the potential severance costs of arising from the former Chief’s exit.

Councillor Deans noted that DC Bell was placed in an interim leadership position as the most senior person, as a Chief is required under the *Police Services Act*.

[REDACTED]

[REDACTED] She stated her opinion that a large measure of what Chief Slowly faced as an outsider was racism.

In response to Councillor Egli’s question of when the new candidate for Chief was last an active Chief, the Mayor advised that he was a Police Chief from 2007-2014. Following additional questions from Councillor Egli on the process for hiring, Councillor Deans confirmed that she was given the delegated authority to interview. The HR Committee participated in the shortlisting of candidates, but did not sit in on the interview. She noted the Board was familiar with him as he had done work for the Board. She also noted that it was an interim appointment not a permanent position. She also noted that the Solicitor General’s office expressed support for the solution.

Councillor Egli expressed discomfort with the process. He also expressed concern with the level of information provided and responsiveness to Members of Council from the Police and the Board.

The City Clerk reminded Members of Council that Council was *in camera* as a result of the Motion tabled publicly prior to the closed session, and cautioned Members against straying too far from the Motion and the rationale to be in closed session.

Councillor Leiper observed that the Motion spoke to a loss of confidence in the Board, which was linked to the hiring decisions. He asked the Mayor whether his intention was to end the contract that had been signed with the new Chief.

Mayor Watson noted he was not being appointed to the Police Board and the Board would have to make that decision based on legal advice.

Councillor Leiper stated that there is a contract signed by the body that was able to sign it and that any new Members on the Board would have a difficult choice.

Councillor Darouze sought additional information on the hiring for the new Chief, and Councillor Deans advised that the Board made a unanimous decision based on the information gathered and recommended by the HR Committee, and that she had the delegated the authority to execute it.

Councillor Darouze asked the Mayor when he had been made aware that the former Chief was leaving and the hiring of a new Chief. The Mayor noted he had found out about the former Chief's resignation through the media and was advised by Councillor Deans about the contract to be signed with a new Chief earlier that morning. Councillor Deans noted that she did not have to share that information but did so out of respect for the Office of the Mayor. She stated her belief that the Mayor had already been seeking to remove her as Chair.

The City Clerk provided an additional clarification with regards to the parameters of the confidential discussion, which was the Motion that had been tabled in open session that related to the replacement of Members of the Police Services Board, and advised that this should be the limit of what is discussed in closed session. While presumably Members may find the other HR information of assistance for context, Council was *in camera* in relation to the Motion.

Councillor Fleury inquired where the Board was going if the former Chief had not resigned, and also what impacts would the hiring of a new interim Chief have on the immediate operational plan for the occupation. Councillor Deans explained how the Board had been becoming increasingly frustrated about the lack of a visible plan, and growing tension with the former Chief, and the former Chief was aware of that. In terms of the impact on the immediate operational plan for the coming weekend, Councillor Deans spoke to the fact that there was now more detail on the operational plan and more resources and people working on it and a viable plan coming that will still need much help and support.

At 6:38 PM the following procedural motion was considered to extend the time of the Council meeting.

MOTION

Moved by Councillor L. Dudas

Seconded by Councillor G. Darouze

BE IT RESOLVED that the meeting time be extended past 7:00 p.m. pursuant to Subsection 8(1)(c) of *Procedure By-law* (By-law No. 2021-24).

Councillor Moffatt spoke to concerns regarding the conduct of Members of the Board, and referenced sections of the Board's Code of Conduct that he felt had not been adhered to.

He referenced statements on social media that may be taken in context of their representing the Board. Councillor Moffatt expressed that some statements that have been made are contradictory to Section 5 of the Board's Code of conduct. He also spoke to Section 4 which provides that Board Members shall not disclose information from closed session, which appears not to have taken place.

He also expressed his view that the public had lost confidence in the Board, as they had with many people during this situation, referencing Section 8 of the Board's Code of Conduct regarding the Board Members discharging their duties in a manner that will inspire public confidence in the abilities and integrity of the Board. Councillor Moffatt stated he felt it was important that Council's Liaison for Anti-racism (Councillor King) stay on the Board going forward.

Councillor McKenney noted that the recommended Public Member, Suzanne Valiquet, worked for Momentum Planning and Consulting, has worked on other projects, such as the Chateau Laurier. [REDACTED]

[REDACTED]

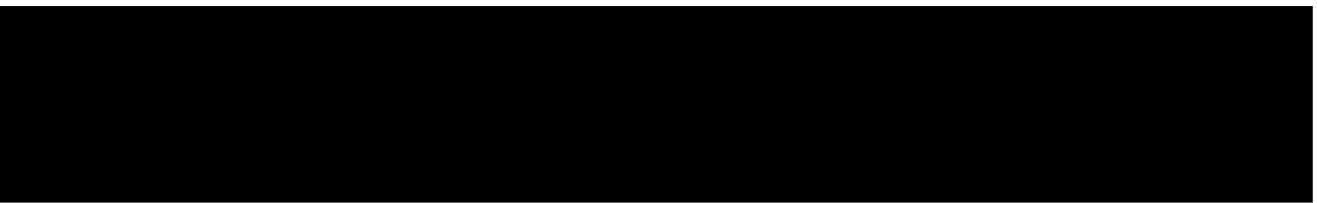
[REDACTED]

Councillor Luloff expressed concern with removing the one person (Bell) who has for the first time been communicating a plan to end the occupation, and not giving him the opportunity to execute that plan. Councillor Deans noted that Bell would continue to be involved as an integral part of police command.

Councillor Deans expressed that the Board believes its actions are to enhance the ability to bring about an end to the occupation or it would not have undertaken them. She noted that other Members of Council did not fully understand or have sufficient information that the Board had in making those decisions.

In response to further questions from Councillor Luloff on the advisability of bringing in an outsider, Councillor Deans noted Mr. Torigian knows the City, knows the OPS senior command and has done work for the Board in the past.

Councillor Chiarelli stated that the questions raised earlier about violations of the Code of Conduct were improper since Council resolved to move *in camera* to deal with those issues, and the appropriate avenue if there were questions about the Code of Conduct was to launch a complaint with the Integrity Commissioner. He also reiterated his discomfort with the discussion about the performance of the Board being done *in camera*.



Having no further discussion, Council considered the following motion:

MOTION

Moved by: **Councillor J. Cloutier**

Seconded by: **Councillor C. Kitts**

BE IT RESOLVED that City Council rise and resume in Open Session.

CARRIED

The closed session ended at 7:01 PM.

The Council meeting resumed in open session at 7:13 PM.

CITY CLERK

MAYOR